

ORDINANCE NO. 92-38

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AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, AMENDING SECTION 7-2. OF THE
PALM BEACH COUNTY CODE, DESIGNATING THE
CONSTRUCTION INDUSTRY LICENSING BOARD OF
PALM BEACH COUNTY THE LOCAL CONSTRUCTION
REGULATION BOARD, PROVIDING FOR REPEAL OF
LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND
PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Construction Industry Licensing Board
has demonstrated expertise in the licensing and disciplining
of the construction trades; and

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WHEREAS, it will promote efficient use of staff
resources to designate the Construction Industry Licensing
Board of Palm Beach County the Local Construction Regulation
Board thereby placing all local regulatory actions regarding
contractors under one board.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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PART I.

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Section 7-2 of the Palm Beach County Code is hereby
amended as follows:

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(b) ~~Created Designation, organization, etc. There~~
~~is hereby created the local construction regulation board of~~
~~the county, which shall consist of seven (7) members appointed~~
~~by the board of county commissioners. Each member of the~~
~~board of county commissioners shall appoint one (1) person to~~
~~serve on the board. The appointment shall be subject to the~~
~~confirmation by a majority vote of the board of county~~
~~commissioners. Members of the board shall be residents of the~~
~~county. These persons appointed shall be licensed contractors~~
~~who are or have been involved in the construction industry in~~
~~the county. The initial appointments to the board shall be as~~
~~follows:~~

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~~(1) One (1) member appointed for a term of one (1)~~

1 year.

2 (2) Two (2) members appointed for a term of two (2)
3 years each.

4 (3) Two (2) members appointed for a term of three
5 (3) years each.

6 Thereafter, any appointment shall be made for a term of three
7 (3) years. Any member may be reappointed for one (1)
8 successive term upon approval of the board of county
9 commissioners. Any appointment to fill any vacancy on the
10 board shall be for the remainder of the unexpired term of
11 office. If any member fails to attend two (2) or three (3)
12 successive meetings without providing notice prior to the
13 meeting of said member's intended absence from the meeting to
14 the director of the contractors certification division
15 (hereinafter referred to as "director") or the chairperson of
16 the local construction regulation board, the local
17 construction regulation board may declare the member's office
18 vacant. The board of county commissioners shall promptly fill
19 such vacancy. Members of the local construction regulation
20 board may be suspended or removed for cause. The membership
21 of the local construction regulation board shall, whenever
22 possible, include persons who have previously served as
23 members of the county construction industry licensing board or
24 persons who have previously served as members of the state
25 construction industry licensing board, and the state
26 electrical contractors licensing board. At the first meeting
27 of the local construction regulation board the members of the
28 board shall elect a chairperson and a vice chairperson. The
29 chairperson and vice chairperson shall serve a one year term
30 but may be re-elected for additional terms at the discretion
31 of the board. The chairperson of the board shall preside at
32 all meetings and shall direct the business affairs of the
33 board, subject to the directors of the board. The vice
34 chairperson shall act in the absence of the chairperson in the
35 conduct of meetings or otherwise and shall perform such duties

1 as may be delegated to him by the chairperson from time to
2 time. In acting in the chairperson's absence, the vice
3 chairperson shall have all the powers of, and be subject to
4 all the restrictions upon, the chairperson. Thereafter, the
5 election of a chairperson and vice-chairperson shall occur
6 during the month of the one year anniversary of the local
7 construction regulation board's first meeting and each
8 subsequent yearly anniversary thereafter;. Three (3) members
9 shall constitute a quorum for the purposes of a meeting.

10 The Construction Industry Licensing Board of Palm
11 Beach County as created by Chapter 67-1876, Laws of Florida,
12 as amended, is hereby designated as the Local Construction
13 Regulation Board. The chairperson and vice chairperson of the
14 Construction Industry Licensing Board shall serve as
15 chairperson and vice chairperson of the Local Construction
16 Regulation Board.

17 The affirmative vote of a majority of the members present at
18 any meeting of the local construction regulation board shall
19 be necessary for it to take action. In the event of a tie
20 vote the proposed motion shall be considered to have failed.
21 Meetings of the local construction regulation board may be
22 convened by the director of the contractor's certification
23 division giving written notice thereof to each member of the
24 board. Unless waived by a majority of the board, notice of
25 meetings shall be given at least seven (7) business days prior
26 thereto. Minutes shall be maintained of all hearings and
27 meetings held by the board, and all hearings and meetings
28 shall be open to the public. The board of county
29 commissioners shall provide clerical and administrative
30 personnel from its department of planning, zoning and
31 building, division of contractor's certification, or such
32 other personnel as may be reasonably required by the local
33 construction regulation board to properly perform its duties.
34 The county attorney or his designee shall attend meetings of
35 the local construction regulation board as counsel to the

1 board. The director or his designee shall represent the
2 county by presenting alleged violations to the board.

3 (c) Jurisdiction. The local construction regulation
4 board shall have the jurisdiction and authority to hear and
5 decide whether or not certified contractors, certified
6 pursuant to Chapter 489, Florida Statutes, including
7 electrical contractors, are guilty of fraud or willful
8 building code violations within the county. Also, the board
9 may deny the issuance of a building permit or electrical
10 permit to a certified contractor certified pursuant to
11 Chapter 489, Florida Statutes or an electrical permit to a
12 ~~certified electrical contractor~~ if the board finds that the
13 contractor is guilty of fraud or a willful building code
14 violation. The jurisdiction of the Local Construction
15 Regulation Board shall not be exclusive. Nothing contained
16 herein or pursuant to chapter 84-495, Chapter 67-1876, Laws of
17 Florida, as amended, shall prohibit the county from enforcing
18 its codes and ordinances by appropriate remedy in circuit
19 court or by other means at the option of the board of county
20 commissioners. Nothing contained herein shall prohibit the
21 county construction industry licensing board from enforcing
22 its jurisdiction or powers as set forth in Chapter 84-495, 67-
23 1876, Laws of Florida, as amended.

24 . . .
25 (e) The local construction regulation board shall
26 have the power to:

27 . . .
28 The local construction regulation board may deny the issuance
29 of a building or electrical permit to a certified contractor
30 certified pursuant to Chapter 489, Florida Statutes, who has
31 been found, after a duly noticed hearing, to be guilty of
32 fraud or a willful building code violation. In the event a
33 building or electrical permit is denied, the director shall
34 provide the state department of professional regulations,
35 within thirty (30) days, the decision of the local

1 construction regulation board to deny the permit.

2 PART II. REPEAL OF LAWS IN CONFLICT

3 All local laws and ordinances applying to the
4 unincorporated area of Palm Beach County in conflict with any
5 provision of this ordinance are hereby repealed.

6 PART III. SEVERABILITY

7 If any section, paragraph, sentence, clause, phrase,
8 or word of this ordinance is for any reason held by the Court
9 to be unconstitutional, inoperative or void, such holding
10 shall not affect the remainder of this ordinance.

11 PART IV. INCLUSION IN THE CODE OF LAWS AND
12 ORDINANCES

13 The provision of this ordinance shall become and be
14 made a part of the code of laws and ordinances of Palm Beach
15 County, Florida. The Sections of the ordinance may be
16 renumbered or relettered to accomplish such, and the word
17 "ordinance" may be changed to "section," "article," or any
18 other appropriate word.

19 PART V. EFFECTIVE DATE

20 The provisions of this ordinance shall become
21 effective upon receipt of acknowledgement by the Secretary of
22 State.

23 APPROVED AND ADOPTED by the Board of County
24 Commissioners of Palm Beach County, on the 15th day
25 of December, 1992.

26 PALM BEACH COUNTY, FLORIDA,
27 BY ITS BOARD OF COUNTY COMMISSIONERS

28 By Mary McCord, Chairman

29 MILTON I. BAUER, CLERK
30 Board of County Commissioners

31 By Judith C. Crum, DEPUTY CLERK

32 APPROVED AS TO FORM AND
33 LEGAL SUFFICIENCY

34 COUNTY ATTORNEY

35 Acknowledgement by the Department of State of the State
36 of Florida, on this, the 23rd day of
 December, 1992.

1 **EFFECTIVE DATE:** Acknowledgement from the Department of
2 State received on the 30th day of December, 1992,
3 at 11:43 A.M. and filed in the Office of the
4 Clerk of the Board of County Commissioners of Palm Beach
5 County, Florida.

6 (cilb.ord)

STATE OF FLORIDA COUNTY OF PALM BEACH
The ex-officio Clerk of the Board of County Commissioners
certify this to be a true and correct copy of the original file in
my office on 12/15/92
DATED at West Palm Beach, FL on 1/4/93
Clerk, BCC
By: Lou Glenger D.C.
Lou Glenger
Deputy Clerk